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Petitioners Pro Se

FIRST CIRCUIT COURT
STATE OF HAWAII
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

COLBY JOHNSON, and JASON
MANGONON,

Petitioners.

v.

UNITED AIRLINES, INC.,

Respondent.

S.P. NO. 18 - 1 - 0049
(Special Proceedings)

VLC

VERIFIED PETITION TO PROVIDE
DEPOSITION BEFORE ACTION IN
ACCORDANCE WITH H.R.C.P.
RULE 27; NOTICE OF HEARING
HEARING: *Monday, March 12, 2018*

DATE: *March 12, 2018*
TIME: *10:00 a.m.*

JUDGE VIRGINIA LEA GRANDALL

**VERIFIED PETITION TO PROVIDE DEPOSITION BEFORE ACTION IN
ACCORDANCE WITH H.R.C.P. RULE 27**

COME NOW Petitioners COLBY JOHNSON and JASON MANGONON

("Petitioners"), and hereby present this Verified Petition in accordance with Hawaii Rules of Civil Procedure Rule 27 for the perpetuation of testimony in an anticipated action before this Honorable Court, and allege as follows:

1. The Petitioners were, at all times relevant, individuals and residents of Honolulu County, Hawaii. Petitioners were passengers on United Flight No. 1589, on December 31, 2017.
2. Potential adverse party and Respondent, UNITED AIRLINES, INC. ("Respondent") is an airline headquartered in Chicago, Illinois, with a principal business address

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FIRST CIRCUIT COURT
STATE OF HAWAII
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of Lobby 8, Overseas Terminal, Daniel K. Inouye International Airport, Honolulu, Hawaii, and engaged in operating flights both to and from Daniel K. Inouye International Airport in Honolulu, Hawaii.

3. Petitioners expect to be a party to an action cognizable in a court of this State but are presently unable to bring it or cause it to be brought because Petitioners are lacking information to establish the necessary agency relationship between a crewmember on United Flight No. 1589 and Respondent. Petitioners are unable to establish the prima facie case for a breach of contract cause of action without the contract of carriage maintained by United. Additionally, Petitioners are unable to establish the prima facie case for negligence per se without the records of the reports allegedly made by Respondent to the Federal Aviation Authority ("FAA") as governed by law.

4. Petitioners submitted a Freedom of Information Act Request to the FAA to obtain any and all preliminary accident or incident reports for United Flight No. 1589 on December 31, 2017. Petitioners have thus far been unable to obtain any preliminary accident or incident reports related to United Flight No. 1589. Petitioners have been unable to obtain any reports required of Respondent for intoxicated passengers and Bomb or Air Piracy threats.

5. It is anticipated that the subject matter of the expected action will be Negligence, Negligence Per Se, Breach of Contract, and Negligent Infliction of Emotional Distress. Petitioners anticipate that they will be Plaintiffs in the anticipated action against expected adverse party and Respondent United Airlines, Inc.

6. Petitioners seek to establish that the crew member involved in the subject matter of the anticipated litigation was an agent of United, and that United is liable for the negligence of its agents. Petitioners also seek to establish that United was negligent per se for its violation of

the requirements established by 14 C.F.R. § 135.121 for the Improper Serving of Alcoholic Beverages and 49 C.F.R. § 1544.303 for the improper handling of Bomb or Air Piracy Threats, and for its failure to report these incidents to the FAA within the proscribed timeline.

7. Petitioners anticipate that United Airlines, Inc. is the expected adverse party. As reflected on the Department of Commerce and Consumer Affairs public information, United Airline Inc.'s agency address for personal service within the State of Hawaii is:

United Airlines, Inc.
c/o The Corporation Company, Inc., its Registered Agent
1136 Union Mall, Suite 301
Honolulu, Hawaii 96813

8. Petitioners respectfully request that this Honorable Court enter an Order permitting the Petitioners to perform a written or oral examination of the Adjuster for United's Corporate Insurance Department who conducted the investigation of the events relevant to the anticipated action before this Honorable Court. The party to be examined is:

Mr. Darrell Simpson
Corporate Insurance - Analyst
1600 Smith Street
Houston, Texas 77002

9. Petitioners respectfully request that this Honorable Court enter an Order compelling the expected adverse party, United Airlines, Inc. to produce and preserve the following documents:

- (a) the cockpit voice recording (CVR) for United Airlines Flight No. 1589 on December 31, 2017;
- (b) the complete December 31, 2017 passenger list for United Airlines Flight No. 1589;
- (c) the complete December 31, 2017 employee and crew list for United Airlines Flight No. 1589;
- (d) all accident or incident reports submitted to the FAA by United Airlines in

relation to United Airlines Flight No. 1589 on December 31, 2017;

- (e) all employee, crew member, and pilot statements taken in relation to United Airlines Flight No. 1589 on December 31, 2017.

10. Petitioners believe the requested examination and production and protection of evidentiary items (a) through (e) is crucial and necessary, as each item is in the sole possession and custody of the Respondent. Petitioners believe that serious prejudice will occur should the requested relief be denied by this Honorable Court.

WHEREFORE, Petitioners respectfully pray for the entry of an Order granting the aforementioned relief.

DATED: Honolulu, Hawaii, February 8, 2018.




COLBY JOHNSON
Petitioner Pro Se



JASON MANGONON
Petitioner Pro Se

Petitioners declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawaii, February 8, 2018.



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UNITED AIRLINES, INC.,

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S.P. NO. 18-1-0049 VLC
(Special Proceedings)

NOTICE OF HEARING

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TO THE ABOVE-NAMED RESPONDENT

Please take Notice that a Hearing on the Petitioner's Verified Petition to Provide
Deposition Before Action in Accordance With H.R.C.P. Rule 27 will be held at:

777 Punchbowl Street, Honolulu, Hawaii 96813 / 1111 Alakea St, Honolulu, HI 96813

before the Honorable JUDGE VIRGINIA LEA CRANDALL. The Verified Petition will come on

for hearing on Monday, March 12, 2018 at 10:00 a.m.

DATED: Honolulu, Hawaii, February 8, 2018


COLBY JOHNSON
Petitioner Pro Se


JASON MANGONON
Petitioner Pro Se